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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,896	12/26/2000	Yan Zhao	02950P049	9628
7590	03/24/2004		EXAMINER	
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard, 7th Floor Los Angeles, CA 95131			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2171	11
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/752,896	ZHAO, YAN
Examiner	Art Unit	
Cindy Nguyen	2171	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 02/09/04.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3-6,8-15,17-23 and 25-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1, 3-6, 8-15, 17-23 and 25-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 December 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                            4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                    6) Other: \_\_\_\_\_

## DETAILED ACTION

This is in response to amendment 02/09/04.

### **1. *Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

### **2. *Claims 1, 3-6, 8-15, 17-23 and 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz (U.S 6029195).***

Regarding claims 1 and 30, Herz discloses: A network system comprising: an analysis engine interacts with a user profile server (col. 37, lines 32-62, Herz), a user data collection point (col. 38, lines 20-23, Herz) and a content management system (col. 38, lines 25-48 Herz), the analysis engine to perform an analysis in real time to generate a recommendation that is associated with a recommended item (col. 36, lines 48 to col. 37, lines 21, Herz), the recommendation to include a plurality of content types (col. 35, lines 24-55, Herz);

The data collection point to provide data to the analysis engine (col. 35, lines 56 to col. 36, lines 30, Herz);

the user profile server to provide user data to the analysis engine (col. 37, lines 32-62, Herz);

the content management system to manage the recommendation that is associated with the recommended item and includes the plurality of content types, wherein the plurality of content types includes at least the first content type and a second content type (col. 38, lines 25-48 Herz);

a first service point to retrieve a first content type from the content management system, wherein the first content type is associated with the recommended item and is personalized for a first user (col. 38, lines 9-46, Herz);

a second service point to retrieve a second content type from the content management system, wherein the second content type is associated with the recommended item and is personalized for a second user (col. 39, lines 29-44, Herz).

Regarding claims 11 and 18, all the limitations of these claims have been noted in the rejection of claim 1 above. In addition, Herz discloses: receiving a customer profile, preferences and data, wherein the customer profile, the preference and the data are utilized to perform an analysis in real time to generate a result that is associated with a recommended item, the result to include a plurality of content types (col. 38, lines 9 to col. 39, lines 56, Herz).

Regarding claim 3, most of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz discloses: wherein the first service point may be utilized for an at least one of communicating a recommendation for a live agent to a live agent desktop, supporting a request to route data, supporting a request for a live agent assignment, and an providing outbound campaign service (col. 34, lines 47 to col. 35, lines 55, Herz).

Regarding claims 4, 12 and 20, most of the limitations of these claims have been noted in the rejection of claims 1, 11 and 18 above, respectively. In addition, Herz discloses:

wherein the analysis engine is to collect data from a plurality of customer contact points (col. 35, lines 55 to col. 37, lines 31, Herz).

As per claim 19, all the limitations of this claim have been noted in the rejection of claims 1 and 18. It is therefore rejected as set forth above.

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Herz discloses: wherein a user profile server is coupled to an analysis engine and a content management system, the content management system manages the plurality of content types (col. 34, lines 46 to col. 37, lines 9, Herz).

Regarding claims 5, 14 and 22, most of the limitations of these claims have been noted in the rejection of claims 1, 12 and 21 above, respectively. In addition, Herz discloses: wherein the user profile server includes one of static profile attributes and dynamically generated attributes (col. 63, lines 8-67, Herz).

Regarding claims 6, 15 and 23, most of the limitations of these claims have been noted in the rejection of claims 5, 11 and 22 above, respectively. In addition, Herz discloses: wherein input from one of a first live agent and a second live agent updates one of the static profile attributes and the dynamically generated attributes (col. 66, lines 1-64, Herz).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz discloses: further comprising: a client request that is communicated to the analysis engine to trigger the analysis engine to perform the analysis in real time to generate the recommendation (col. 49, lines 25 to col. 50, lines 22, Herz).

Regarding claims 9 and 13, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Herz discloses: wherein the user

profile server is coupled to a data repository for service data and metadata (Mass storage, S1, fig. 2 and corresponding text, Herz).

Regarding claims 10, 17 and 25, most of the limitations of these claims have been noted in the rejection of claims 1, 12 and 22 above, respectively. In addition, Herz discloses: wherein the user profile server, the analysis engine, and the content management system operated on at least one of a local and remote server (col. 40, lines 62 to col. 41, lines 21, Herz).

Regarding claim 26, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz discloses: wherein multiple content types may be retrieved by a single user (col. 34, lines 47 to col. 35, lines 55, Herz).

Regarding claim 28, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz discloses: wherein the content management system includes a plurality of content collection (col. 35, lines 55 to col. 36, lines 30, Herz).

Regarding claim 29, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz discloses: wherein the content management system utilizes the plurality of content collections to control access to the plurality of content types (col. 40, lines 34-60, Herz).

### ***3. Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (U.S 6029195) in view of Ganesan et al. (U.S 6055567) (Ganesan).**

Regarding claim 27, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Herz discloses: wherein the first content type includes content for live agent assistance (col. 35, lines 16-55). However, Herz didn't disclose: the second content type includes content for customer self-service. On the other hand, Ganesan discloses: the second content type includes content for customer self-service (col. 15, lines 11-21, Ganesan). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the content for customer self-service in the system of Herz as taught by Ganesan. The motivation being to enable the customer self-service using diagnostic tool to request for data or modify existing data (col. 15, lines 11-40, Ganesan).

**5. *Response to Amendment (filed 02/09/04)***

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **6. Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fernandez et al. (U.S 5956720). Method and apparatus for web site management.

Matsumori (U.S 6179206). Electronic shopping system having self-scanning price check and purchasing terminal.

Gershman et al. (U.S 6199099). System, method and article of manufacture for a mobile communication network utilizing a distributed communication network.

Gershman et al. (U.S 6401085). Mobile communication and computing system and method.

#### **7. *Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this

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application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*CN*

Cindy Nguyen

March 13, 2004

*WAS*  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER